

**SB110**(LC0906) is a Crime Prevention bill designed to support local crime prevention programs throughout the State of Montana. Crime prevention is best practiced at the local level in cities and rural communities. This Legislation would implement a surcharge to persons convicted of a criminal offense to help pay for the cost of crime prevention and would subsequently create sustainable crime prevention programs throughout Montana.

**What is the concept of the bill, what does it do?** A \$10 dollar court surcharge on offenses would fund crime prevention activities. Funds collected from the surcharge would be deposited into a special revenue account managed by the Montana Board of Crime Control (MBCC). Funds would support the promotion of crime prevention activities and projects with local partnerships that are interested in preventing crime and making communities safer throughout the state of Montana.

**Who would be eligible?** Nonprofit, private, community based organizations, units of local governments and Federally Recognized Indian Tribal Governments.

**How can your program receive funding?** Funds generated by this surcharge will be deposited in a special revenue account and an Application/Request for Proposal (RFP) process will be developed by MBCC to fund programs across Montana.

**Just some examples of groups/programs that could be eligible for funding:**

- Drug Courts, DUI Courts and DUI Task Forces
- Crime Stoppers
- Drug/Alcohol Campaigns
- Re-entry Programs
- Crime Prevention Through Environmental Design (CPTED) Programs
- Threat Assessments for Schools, Hospitals, Sporting Stadiums, etc.
- Elder Abuse Prevention and Identity Theft
- Suicide Prevention/Intervention
- Child Abuse/Neglect Prevention Programs
- Neighborhood Watch, Anti-Graffiti Programs

#### **Argument against this Legislation**

There are too many surcharges already in the court system and individuals can't afford to pay anything additional. This is just another form of taxation and it hurts local coffers by making it more difficult for courts to collect fees.

#### **Counter Argument**

The positives of having a stable funding stream for prevention programming outweigh concerns about too many surcharges. Individuals being compliant with court conditions, maintaining employment and that do not drink, use tobacco or substance are able to pay. **Think about it.... a six pack of beer and a pack of smokes costs ten bucks, which is coincidentally the proposed surcharge.** Having an individual who breaks the law pay a small nominal surcharge is better than raising taxes on their victims to pay for prevention programming. This funding can reduce court backlog, reduce victimization and make communities safer, and that will benefit the courts in the long run.

*"Crime prevention works. It is cheaper, safer, and healthier for communities to prevent crime than to have to treat its victims, deal with its perpetrators, and lose civic health and productivity. But the responsibility of crime prevention doesn't fall on one person – it's everyone's business"* – National Crime Prevention Council.

**Volunteers at work in Crime Prevention:** The Billings Police Department Crime Prevention Center teaches volunteers observe and report techniques to curb suspicious activity and increase the quality of life by patrolling parking lots, neighborhoods and bike trails. For December 2012 there has only been one vehicle break-in among shopping centers. Volunteers tagged 1,086 vehicles that were abandoned or used for street storage and completed 4,216 cold case incident reports at the CPC for 2012; no officers were involved in these contacts. Volunteers worked over 15,000 hours in 2012 for a value of \$326,915.37 to the City of Billings.



## Montana – Detailed Information

### § Court Information Technology - [Section 3-1-317 MCA](#) \$10

-The surcharge in 3-1-317(1)(a) applies to any offense that is made criminal by a state statute  
-Almost anything that constitutes either a misdemeanor or felony would trigger the surcharge  
-There are few caveats that you should consider. First, there are a few statutes in the MCA that specifically provide an **exemption from the surcharge** in 3-1-317.

For example, the **surcharge does not apply to the unlawful possession of an open alcoholic beverage in a motor vehicle on a highway or speed restrictions on highways**

A municipality may by ordinance provide that a violation of an ordinance is a municipal infraction and then impose the statutory surcharges under 3-1-317.

**Parking tickets and anything else that constitutes a violation of a local ordinance are exempt from the surcharges in 3-1-317** unless the city classifies it as a municipal infraction.

### § Montana Law Enforcement Academy [3-1-318 MCA](#) \$10

Section 3-1-318 appears to apply to courts of limited jurisdiction, except small claims courts. These would be justice courts, city courts, and municipal courts.

### § Crime Victims Compensation [46-18-236 MCA](#) Minimum \$15, Max \$50

- (a) \$15 for each misdemeanor charge;
  - (b) the greater of \$20 or 10% of the fine levied for each felony charge; and
  - (c) an additional \$50 for each misdemeanor and felony charge under Title 45, [61-8-401](#) or [61-8-406](#) (DUIs)
- Public Defender Fee, discretionary - \$50
  - Fines/Fees – different at each jurisdiction.

## Other Regional State's Surcharges

The current surcharge of \$85 for crimes is imposed on DUI's only. That surcharge rate is not imposed on any other crime, except DUI's. Other criminal surcharges are approximately \$50 dollars.

Comparatively, surcharges in other states appear to be higher than in Montana. For example:

### Idaho

Misdemeanor \$152.50

Felony \$240.52

Infractions \$56.50

§ Misdemeanor - \$50 Energy Surcharge; \$17.50 court costs, \$37 Victims Compensation, \$15 post fee; \$10 technology fee, \$10 Admin fee \$3 Detention Officer Disability Act, \$10

§ Felony - \$100 Energy surcharge, \$17.50 court costs, \$75 victim's compensation, \$15 post fee; \$10 technology fee, \$10 Admin fee \$3 Detention Officer Disability Act, \$10

§ Infractions - \$56.50

### Wyoming

Misdemeanor and Felony cases – from \$180 - \$330

§ \$10 Court Auto Fee, \$10 Court Technology, \$10 Civil legal service fee and \$150-\$300 Victim Services

### North Dakota

§ Misdemeanor and Felony Cases - \$250 to \$1,025 Misdemeanor - A and B - \$25 Indigent Defense Application Fee \$100 ID Facility Admin Fee, Criminal Ct. Admin Fee \$125 (B) \$200 (A); Total Minimum Mandatory \$250 (A) \$325 (B)

§ Felony – C,B,A - \$25 Indigent Defense Application Fee; ID Facility Admin Fee \$100; Criminal Ct. Admin Fee (C) \$400; (B) \$650 (A) \$900 for a total Minimum Mandatory Fee (C) \$525 (B) \$775 (A) \$1,025